

# Notice of Allowability

Application No.

09/719,748

Examiner

Maryam Monshipouri

Applicant(s)

KIMCHI, ADI

Art Unit

1653

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-5, 7-10, 12-15, 17-20, 23-24, 27-28, 32-40.
3. ☒ The drawings filed on 15 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>filed 8/17/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                              |
|   | 9. <input type="checkbox"/> Other _____   |

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An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Allen C. Yun, on 8/17/2005.

#### **Examiner's Amendment to the Claims**

In claim 1, lines 10-11, delete "or (B) ".

In claim 1, lines 14-15, delete "or (B) ".

In claim 1, lines 16-17, delete "or (B)".

In claim 23, line 2, after "having", delete "up " and substitute therefor --- 17 ----.

#### **Examiner's Amendments to the Specification**

Please replace the paragraph in the Cross-Reference to Related Applications section on page 1 with the following :

The present application is the national stage entry of international Application No. PCT/US99/13411, filed June 15, 1999, which claims the benefit of Provisional Application No. 60/089,294, filed June 15, 1998, the entire contents of which are hereby incorporated by reference. The present Application is also related to and hereby incorporates by reference the entire contents of Application No. 08/810,712 filed March 3, 1997 now U.S. Patent No. 6,160,106 issued 12/12/2000 and Application No. 08/631,097, filed April 12, 1996 now U.S. Patent No. 5,968,816 issued 10/19/1999.

The following is an **Examiner's Statement of Reasons for Allowance**:

Claims 1-5, 7-10, 12-15, 17-20, 23-24, 27-28, 32-40 are directed to a calmodulin-dependent serine/threonine kinase of specific amino acid sequence, fragments of said kinase either being capable of inducing cell death or being capable of inhibiting the ability of the kinase to induce cell death, DNA sequences encoding all said products, vectors, host cells and compositions comprising said DNA sequences and a method of neutralizing mRNA sequences encoding said kinase utilizing specifically claimed antisense RNA molecules.

Claimed amino acid sequence of said kinase and its encoding DNA sequence are free of prior art. Further the prior art does not teach or suggest preparing such specifically claimed sequences. Hence, said sequences are both novel and non-obvious. Since said sequences are both novel and non-obvious, specifically claimed fragments thereof, vectors, host cells, compositions comprising said DNA sequences or said fragments thereof, and a method of neutralizing an mRNA encoding said kinase utilizing claimed antisense RNA molecules are also novel and non-obvious.

**Claims 1-5, 7-10, 12-15, 17-20, 23-24, 27-28, 32-40 are allowed.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maryam Monshipouri whose telephone number is (571) 272-0932. The examiner can normally be reached on 7:00 a.m to 4:30 p.m. except for alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weber Jon P. can be reached on (571) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Maryam Monshipouri Ph.D.

Primary Examiner